

**MEDICAL EXAMINING BOARD
MINUTES
OCTOBER 12, 2005**

PRESENT: Drs. Lief Erickson; Alfred Franger; Sujatha Kailas; Jack Lockhart; Daniel J. Miota; Ian Munro; Gene Musser; Sandra Osborn; and Virginia Heinemann

ABSENT: Dr. Jon Gudeman, Dr. Bhupinder Saini

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant

GUESTS: Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, Wisconsin Hospital Association

CALL TO ORDER

Dr. Alfred Franger called the meeting to order at 8:09 a.m. There was a quorum of 8 members present.

APPROVAL OF AGENDA

Additions to Agenda:

After Item "B" - Medical Examining Board teleconference Minutes October 5, 2005

After Item "J" – Deliberation of proposed Stipulation, final decision and order in the matter of disciplinary proceedings against David J. Czarnecki, MD

After Item "J" – Deliberation of proposed Stipulation, final decision and order in the matter of disciplinary proceedings against Paul H. Wurst, MD

After Item "E" - 2005 Bill - 450.01 and 450.13

After Item "S" — DOE Pending Cases

After Item "S" – Monitoring – Kadile, Eleazar

After Item "T" – Kenneth Sparr - Appearance

Item "O" – University of California San Francisco letter regarding Max Wintermark, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to approve the agenda of October 12, 2005, with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 14, 2005

- Page 5 of 8 – Dr. Lockhart abstained from the Jeffrey F. Menn, MD motion.

MOTION: Dr. Erickson moved, seconded by Dr. Osborn, to approve the September 14, 2005 minutes with amendment. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 5, 2005

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to approve the October 5, 2005 minutes as written. Motion carried unanimously. Dr. Musser abstained.

SCREENING PANEL REPORT

The screening panel reported that it reviewed 43 complaints: 15 were opened, 3 needed more information and 25 were not opened.

ADMINISTRATIVE REPORT

2006 Hotel Policy

Mr. Ryan explained the Department's policies relating to the recent change in the state hotel contract.

2006 Annual Meeting of the House of Delegates

Mr. Ryan explained that the House of Delegates for the FSMB is looking for volunteers. More information will be presented to the Board as it becomes available.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

James Bass, Jr, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of James Bass, Jr, MD.

Yogesh Pareek, MD

Attorney James E. Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Yogesh Pareek, MD.

Dilip P. Patel, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Dilip P. Patel, MD.

John Lee Waeltz, MD

Attorney Arthur Thexton, presented the Proposed Stipulation, Final Decision and Order in the matter of John Lee Waeltz, MD. Dr. John Waeltz and his Attorney, Don Peterson, appeared before the board to make a statement and answer any questions.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

David J. Czarnecki, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against David J. Czarnecki, MD.

Paul H. Wurst, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Paul H. Wurst, MD.

**Correspondence from Dr. Mahendr Kochar regarding temporary licensure and
reply draft**

Dr. Franger addressed the Board with information regarding Dr. Kochar's request for temporary licensure. The Board discussed the possible steps necessary to change the current policies. The Board would like additional information with regard to issuing temporary licenses to first year physicians before responding to Dr. Kochar's letter.

MOTION: Dr. Lockhart moved, seconded by Dr. Erickson, to obtain additional information for discussion at the next meeting with regard to temporary licensure for first year residents. Motion carried unanimously.

**Summary Reports of Pending Court Cases, Disciplinary Cases, Administrative
Rules and Legislation**

Colleen Baird reviewed the report.

LRB 0832/3, relating to authorizing medically related actions by APNP's and PA's – The board will review and discuss at the next meeting.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Dr. Munro moved, seconded by Dr. Musser, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing

monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Franger; Dr. Lockhart-yes, Dr. Erickson-yes; Ms. Heinemann-yes, Dr. Kailas; Dr. Miota; Dr. Munro-yes; Dr. Musser-yes; Dr. Osborn-yes.

Open Session recessed at 9:18 a.m.

RECONVENE TO OPEN SESSION

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 12:47 p.m.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JAMES BASS, JR, MD

MOTION: Dr. Kailas moved, seconded by Dr. Munro, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against James Bass, Jr, MD. Motion carried unanimously.

YOGESH PAREEK, MD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Yogesh Pareek, MD. Motion carried unanimously. Dr. Kailas abstained.

DILIP P. PATEL, MD

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Dilip P. Patel, MD. Motion carried unanimously.

JOHN LEE WAELTZ, MD

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order with

reprimand in the matter of disciplinary proceedings against John Lee Waeltz, MD. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

DAVID J. CZARNECKI, MD

MOTION: Dr. Kailas moved, seconded by Dr. Erickson, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against David J. Czarnecki, MD. Motion carried unanimously.

PAUL H. WURST, MD

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Paul H. Wurst, MD. Motion carried unanimously.

DELIBERATION OF PETITION TO APPEAL ALJ DECISION

JEFFREY F. MENN, MD

MOTION: Dr. Kailas moved, seconded by Dr. Miota, to accept the ALJ's decision in the matter of disciplinary proceedings against Jeffrey F. Menn. Motion carried. Dr. Erickson opposed. Dr. Lockhart abstained.

**RE-CONSIDERATION OF PETITION AMENDING ORDER
IN THE MATTER OF SHIRLEY YEZDI GODIWALLA, MD**

MOTION: Dr. Miota moved, seconded by Dr. Munro, to deny the request for amendment of the order in the matter of Shirley Yezdi-Godiwalla, MD. Motion carried unanimously. Dr. Erickson abstained.

DELIBERATION OF ADMINISTRATIVE WARNING

05 MED 021

MOTION: Dr. Lockhart moved, seconded by Dr. Erickson, to issue the administrative warning in the matter of **05 MED 021**. Motion carried. Dr. Osborn opposed.

CONSIDERATION OF ORDER FIXING COSTS

MARK K. JENSON, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to accept the order fixing costs in the matter of disciplinary proceedings against Mark K. Jenson, MD. Motion carried unanimously. Dr. Munro abstained.

REVIEW OF APPLICATION

MAX WINTERMARK, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to reject the application for Max Wintermark, MD, and request Dr. Wintermark supply original school documentation with regard to his degree and whether it is a combined MD/PHD Medical Scientist degree program. Motion carried unanimously.

DOE MONITORING

**GEORGE WITTMAN, MD
REQUESTING FULL LICENSURE**

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to approve full licensure for George Wittman, MD. Motion carried unanimously.

**RICHARD HELFFRICH, MD
PETITION FOR 3 MONTH STAY**

MOTION: Dr. Munro moved, seconded by Dr. Miota, to approve the 3 month stay in the matter of Richard Helffrich, MD. Motion carried unanimously.

**ROBERT VINCENT, MD
PETITION FOR 3 MONTH STAY**

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to approve the 3 month stay in the matter of Robert Vincent, MD. Motion carried unanimously. Dr. Musser abstained.

**ANGELA HANAMAN, RCT
VIOLATION OF ORDER**

MOTION: Dr. Erickson moved, seconded by Dr. Munro, pursuant to current limited license Board order, respondent shall not practice until she is compliant with the nursing board order in the matter of Angela Hanaman, RCT. Motion carried unanimously.

**REVIEW OF DOCUMENTS
ELEAZAR KADILE, MD**

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to grant a six month extension for continuation of his board order remedial education requirement with written proof of progress toward completion to be submitted from the education provider (UW-CME) prior to the six-month deadline and payment of accrued interest on the assessed costs by the end of the renewal period in the matter of Eleazar Kadile, MD. Motion carried unanimously.

DOE CASE CLOSINGS

05 MED 173

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to close case 05 MED 173 for no violation. Motion carried unanimously.

04 MED 270

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case 02 MED 270 for no violation. Motion carried. Dr. Erickson apposed.

05 MED 019

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to close case 05 MED 019 for insufficient evidence. Motion carried unanimously. Dr. Osborn abstained.

05 MED 193

MOTION: Dr. Munro moved, seconded by Dr. Miota, to close case 05 MED 193 for no violation. Motion carried unanimously. Dr. Osborn abstained.

03 MED 163

MOTION: Dr. Erickson moved, seconded by Dr. Kailas, to close case 03 MED 163 for insufficient evidence. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL, INCLUDING
ASSISTANT ATTORNEY GENERAL ROBERT HUNTER**

Robert Hunter, Assistant Attorney General, Department of Justice, addressed the Board with current legal action being taken by Kenneth E. Sparr against the Medical Examining Board.

**KENNETH SPARR
PETITION FOR ONE MONTH STAY WITH MODIFICATIONS**

Attorney Randal N. Arnold, Dr. Lance P. Longo and Dr. Kenneth E. Sparr appeared before the board in support of the petition for a three month stay. Attorney Arnold indicated that his client would voluntarily dismiss his civil lawsuit (case #30607 – Green County Circuit Court) in its entirety against the Medical Examining Board.

MOTION: Dr. Musser moved, seconded by Dr Erickson, to grant a one month stay including 5 UA screenings weekly, with one additional therapy session and a report from Dr. Longo and Dr. Yetman submitted to the Board by the following meeting in the matter against Kenneth E. Sparr, MD. The order shall reflect that Dr. Sparr has agreed to voluntarily dismiss his lawsuit (case #30607-Green County Circuit Court) and waive all costs, attorneys' fees and claims associated with his lawsuit. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, to ratify all licenses. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION IF VOTING IS APPROPRIATE**

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to reaffirm all motions made during closed session. Motion carried unanimously.

Secretary Jackson welcomed the Board to the new space and addressed concerns regarding the security, access, lighting and acoustics within the Board room.

ADJOURNMENT

MOTION: Ms. Heinemann moved, seconded by Dr. Erickson, to adjourn the meeting at 12:58 p.m. Motion carried unanimously.

Next meeting November 9, 2005